

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MYRON MANIER,

Plaintiff,

vs.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS and WALLA  
WALLA GRIEVANCE COORDINATOR  
"AMY,"

Defendants.

NO. CV-06-5081-LRS

ORDER DISMISSING COMPLAINT WITH  
PREJUDICE

**1915(g)**

By Order filed February 2, 2007, the court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served. Although granted the opportunity to amend to state a claim upon which relief may be granted, Plaintiff has failed to do so.

Plaintiff named two Defendants. Because an inmate has no due process rights regarding the proper handling of grievances, *see Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988) and *Sandin v. Conner*, 515 U.S. 472, 484 (1995), Plaintiff cannot state a claim against Defendant "Amy" for failure to properly process his kites and grievances.

1 Furthermore, "arms of the State" such as the Department of Corrections  
2 are not "persons" amenable to suit under 42 U.S.C. § 1983. *Will v.*  
3 *Michigan Dept. of State Police*, 491 U.S. 58, 70 (1989). Therefore, **IT**  
4 **IS ORDERED** the complaint is **DISMISSED with prejudice** for failure to  
5 state a claim upon which relief may be granted. 28 U.S.C. §§  
6 1915A(b)(1) and 1915(e)(2).

7 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a  
8 prisoner who brings three or more civil actions or appeals which are  
9 dismissed as frivolous or for failure to state a claim will be  
10 precluded from bringing any other civil action or appeal *in forma*  
11 *pauperis* "unless the prisoner is under imminent danger of serious  
12 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read  
13 the new statutory provisions under 28 U.S.C. § 1915. This dismissal  
14 of Plaintiff's complaint may count as one of the three dismissals  
15 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to  
16 file future claims.

17 **IT IS SO ORDERED.** The District Court Executive is directed to  
18 enter this Order, forward a copy to Plaintiff at his last known  
19 address, enter judgment, and close the file. The District Court  
20 Executive is further directed to forward a copy of this Order to the  
21 Office of the Attorney General of Washington, Criminal Justice  
22 Division.

23 **DATED** this 26th day of April, 2007.

24  
25 **s/Lonny R. Suko**

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27 LONNY R. SUKO  
28 UNITED STATES DISTRICT JUDGE